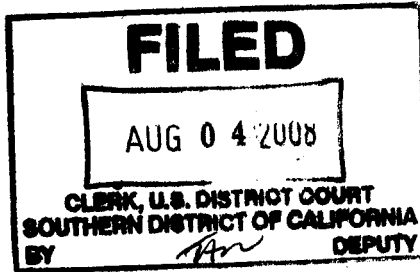


USA



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Joel HERNANDEZ-Lopez (1),

Jose AHUMADA-Penuelas (2),

Jesus MEDELLIN-Lopez (3),

Omar ENCISO-Talamante (4),

Erasmus LOPEZ-Borquez (5),

David MORALES-Bejarano (6),

Defendants.

Magistrate Case No.:

'08 MJ 8692

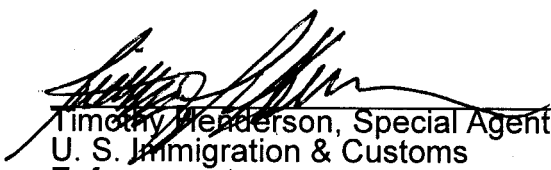
COMPLAINT FOR VIOLATION OF  
21 U.S.C. § 841(a) (1)  
Possession With The Intent To  
Distribute (Felony)

The undersigned complainant being duly sworn states:

On or about August 3, 2008, within the Southern District of California, defendants Joel HERNANDEZ-Lopez, Jose AHUMADA-Penuelas, Jesus Medellin-Lopez, Omar ENCISO-Talamante, Erasmo LOPEZ-Borquez, and David MORALES-Bejarano did knowingly and intentionally possess with the intent to distribute

1 approximately 95.78 kilograms (210.71 pounds) of marijuana, a Schedule I Controlled  
2 Substance, in violation of Title 21, United States Code, Section 841 (a) (1)

3 The complainant states that this complaint is based on the attached Statement  
4 of Facts incorporated herein by reference.

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Timothy Henderson, Special Agent  
U. S. Immigration & Customs  
Enforcement

9 SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 4<sup>th</sup>  
10 DAY OF AUGUST, 2008.

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PETER C. LEWIS  
U. S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Joel HERNANDEZ-Lopez (1),  
4 Jose AHUMADA-Penuelas (2),  
5 Jesus MEDELLIN-Lopez (3),  
6 Omar ENCISO-Talamante (4),  
7 Erasmo LOPEZ-Borquez (5),  
8 David MORALES-Bejarano (6),

9 STATEMENT OF FACTS

10 This complaint is based upon the personal observations, investigation and  
11 information provided to U.S. Immigration and Customs Enforcement Special Agent  
12 Douglas Struckmeyer.

13 On August 3, 2008, Senior Border Patrol Agent Joshua Pollett encountered Joel  
14 HERNANDEZ-Lopez, Jose AHUMADA-Penuelas, Jesus Medellin-Lopez, Omar  
15 ENCISO-Talamante, Erasmo LOPEZ-Borquez, David MORALES-Bejarano, and M. A.  
16 D. (Juvenile) hiding in the brush in the desert near Ocotillo, California. Prior to this  
17 encounter, these individuals were observed by other Border Patrol Agents, with the  
18 assistance of thermal imaging devices, carrying what the agents believed to be bundles  
19 of controlled substances.

20 Agent Pollet searched the area around where he encountered the individuals  
21 and found nine large bundles wrapped with brown postal tape buried beneath the sand  
22 approximately fifteen feet away from them. The bundles found by Agent Pollett  
23 contained a green leafy substance. samples taken from two of the bundles field-tested  
24 positive for marijuana. The combined weight of the nine bundles was approximately  
25 95.78 kilograms (210.71 pounds).

26 The seven individuals were taken into custody and transported to the El Centro  
27 Border Patrol Station where they were administratively processed for their immigration  
28  
29

1 violations. They were then turned over to Special Agents (S/A) Struckmeyer and  
2 Torregrosa from Immigration and Customs Enforcement (ICE) for further processing.

3 S/A's Struckmeyer and Torregrosa advised each subject of their Miranda Rights  
4 individually. AHUMADA, MEDELLIN and MORALES chose not to make statements.  
5 LOPEZ stated that he was hired to smuggle the marijuana into the United States. He  
6 stated that he was going to be paid \$600. He stated that MEDELLIN is his nephew and  
7 that AHUMADA is his roommate, and that they were also going to be paid \$600 for  
8 smuggling the marijuana into the United States. He also stated that, at the time of their  
9 entry, each of the seven of them was carrying bundles of marijuana. LOPEZ identified  
10 HERNANDEZ as the foot guide of the group.  
11

12 M.A.D. also admitted to carrying the bundles of marijuana. He stated that he  
13 carried some of the marijuana across the border in lieu of payment for being smuggled  
14 into the United States. As did LOPEZ, M.A.D. also identified HERNANDEZ as the foot  
15 guide for the group. M.A.D. is being prosecuted in state juvenile court.  
16

17 ENCISO stated that he also carried some of the marijuana into the United  
18 States. He stated that he knew how much he was going to be paid, but that he did not  
19 want to divulge that information.  
20

21 HERNANDEZ denied being the foot guide for the group, but he did admit to  
22 carrying some of the marijuana across the border. HERNANDEZ stated that he carried  
23 the marijuana across the border in lieu of payment for being smuggled into the United  
24 States.  
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